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PROGRAMME BUDGET FOR THE BIENNIUM 1992-1993

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Programme budget implications of the draft resolutions contained in document A/C.3/47/L.42 and A/C.3/47/L.43

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

INTRODUCTION

1. At its 52nd meeting, held on 1 December 1992, the Third Committee adopted, without a vote, draft resolutions A/C.3/47/L.42, as orally revised, and A/C.3/47/L.43. Statements of programme budget implications were before the Committee in documents A/C.3/47/L.46 and A/C.3/47/L.47.

I. EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS, INCLUDING REPORTING OBLIGATIONS UNDER INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS

A. Requests contained in draft resolution A/C.3/47/L.42

2. By operative paragraphs 7, 8 and 9 of draft resolution A/C.3/47/L.42 the General Assembly would:

(a) Call upon all States parties to fulfil without delay and in full their financial obligations under the relevant instruments on human rights, and request the Secretary-General to consider ways and means of strengthening collection procedures and making them more effective;

(b) Emphasize that any administrative and budgetary measures shall be provided without prejudice to the duty of States parties under United Nations human rights instruments to meet all their current and outstanding financial obligations pursuant to such instruments;

(c) Endorse the amendments to the International Convention on the Elimination of All Forms of Racial Discrimination 1/ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2/ and request the Secretary-General:

(i) To take the appropriate measures to provide for the financing of the committees established under those conventions from the regular budget of the United Nations, beginning in 1994-1995;

(ii) To take the necessary measures to ensure that the two committees meet as scheduled until the amendments enter into force.

B. Relationship of requests to the approved programme of work

3. The requests contained in paragraph 2 above relate to subprogramme 1, Implementation of international instruments and procedures, of programme 35, Promotion and protection of human rights, of the medium-term plan for the period 1992-1997 3/ and to activities programmed under subprogramme 1 of section 28, Human rights, of the programme budget for the biennium 1992-1993. 4/

C. Activities by which the requests would be implemented

4. With regard to operative paragraph 9 of the draft resolution, which would endorse the amendments to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the respective States parties at their meetings on 15 January 1992 and 9 September 1992, the States parties also decided that the amendments should enter into force after approval by the Assembly and acceptance by two thirds of the States parties, which shall have so notified the Secretary-General as depositary. The full text of the amendments is found in the report of the Secretary-General entitled "Implications of full funding for the operation of all human rights treaty bodies". 5/

5. With regard to part (a) of operative paragraph 9 of the draft resolution, it should be recalled that the two committees in question are either partially or fully funded by assessments of States parties under specific scales of assessment. The Committee on the Elimination of Racial Discrimination is partially funded through assessments, i.e., only the travel and subsistence costs for the 18 members are covered by assessments. Conference-servicing costs as well as staffing requirements are provided for under the regular budget. On the other hand, the Committee against Torture is fully funded

through assessments, which include the travel and subsistence of the 10 members of the Committee, staffing requirements and the conference-servicing costs.

6. Should draft resolution A/C.3/47/L.42 be adopted, then beginning with the proposed programme budget 1994-1995 all requirements of these two committees would be provided for under the regular budget.

D. Additional requirements at full cost for the biennium 1994-1995

7. Should the General Assembly adopt draft resolution A/C.3/47/L.42, the full cost estimates of the funding of the two committees during the biennium 1994-1995 would be as follows:

	Convention on the Elimination of Racial Discrimination (1994-1995, at 1993 rates)	Convention against Torture (1994-1995, at 1993 rates)
	$	$
(a) Activities of treaty bodies		
Travel and subsistence costs of members of the Committees		
18 members of the Committee on the Elimination of Racial Discrimination	475 000	
10 members of the Committee against Torture		231 600
Emoluments	140 000	80 000
Staffing requirements (1 P-4, 1 P-2, 1 GS)	-	556 800
Subtotal (a)	615 000	868 400

	Convention on the Elimination of Racial Discrimination (1994-1995, at 1993 rates)	Convention against Torture (1994-1995, at 1993 rates)
	$	$
(b) Conference-servicing costs		
Four sessions of the Committee (two each year)	-	2 306 800
Meetings of States parties (biennial session in 1995)	-	54 200
Subtotal (b)	-	2 361 000
Total, (a) and (b)	615 000	3 229 400

8. It should be noted that currently the substantive support to the Committee against Torture is provided by 1 P-4, 1 P-2 and 1 General Service post, which, in accordance with article 18, paragraph 3, of the Convention, are financed by the States parties. These staff resources will continue to be provided in 1994-1995 under the regular budget.

9. As discussed above, the States parties, in adopting amendments to the Conventions, also adopted similar amendments concerning the payment of honoraria. As detailed in the report of the Secretary-General, 5/ the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination (art. 8, para. 7) and the States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (art. 18, para. 4) adopted the following amendment:

> "The members of the Committee established under the present Convention shall [, with the approval of the General Assembly,]* receive emoluments from the United Nations resources on such terms and conditions as the General Assembly may decide". 6/

10. Therefore, should the General Assembly so decide, emoluments would also be required for the 18 members of the Committee on the Elimination of Racial Discrimination and 10 members of the Committee against Torture. Under the terms of General Assembly resolution 35/218 of 17 December 1980, an amount of

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* The phrase within brackets appeared only in the new article 8, paragraph 7, of the International Convention on the Elimination of All Forms of Racial Discrimination.

$5,000 per year would be provided to the Chairman and $3,000 per year to each of the members of the two committees. However, in a recent report of the Secretary-General now before the General Assembly 7/ it is proposed to increase the rates of honoraria by 25 per cent. Should this proposal be adopted, the amounts mentioned above would become $6,250 per year for the Chairman of the Committee and $3,750 for the other members. Therefore, subject to a decision by the Assembly, these amounts ($70,000 annually for the Committee on the Elimination of Racial Discrimination and $40,000 annually for the Committee against Torture) have provisionally been included in the total full cost estimate.

11. With regard to subparagraph (b) of operative paragraph 9, it should be recalled that, in the case of the Committee on the Elimination of Racial Discrimination, non-payment by a number of States of their assessments has resulted in the cancellation or curtailment of the Committee's sessions in 1986, 1989 and 1990. This trend has continued in 1992, a year in which the lack of sufficient funds resulted in the cancellation of the Committee's spring session and the curtailment of its summer session from three to two weeks. In the case of the Committee against Torture, there has not been a cancellation or curtailment of the Committee's sessions as a result of insufficient funds. Although an increasing number of States parties have accumulated arrears in their assessment, it is expected that sufficient resources will be available in 1993, thus enabling the Committee against Torture to meet as scheduled.

12. In operative paragraph 7 of the draft resolution, the General Assembly would call upon all States parties to fulfil without delay and in full their financial obligations under the relevant instruments on human rights, and would request the Secretary-General to consider ways and means of strengthening collection procedures and making them more effective. It would, therefore, be the intention of the Secretary-General to forward as early as possible in January 1993 to the States parties to the two Conventions assessment letters urgently calling upon the States parties to pay their contributions. In addition, the Secretary-General would endeavour to seek voluntary contributions to help to cover any shortfall.

13. It is not, however, possible at this time to ascertain whether or not the Committee on the Elimination of Racial Discrimination will have sufficient funds in 1993 to hold its scheduled two annual sessions of three weeks' duration. It is estimated that the net requirements representing travel and subsistence allowance for the 18 members of the Committee for its two regular sessions in 1993 would be $236,800.

14. Should there continue to be insufficient collection of assessed contributions and should voluntary contributions be insufficient to cover any shortfall, the Secretary-General intends to consult the Advisory Committee on Administrative and Budgetary Questions at an appropriate time in the spring of 1993 on the measures that may need to be taken in order to ensure that the Committee on the Elimination of Racial Discrimination meets as scheduled in that year.

E. Summary

15. Should the General Assembly adopt draft resolution A/C.3/47/L.42, it is estimated at this stage that no additional appropriation would be required for 1993. The necessary additional provisions for the financing of the Committee on the Elimination of Racial Discrimination and the Committee against Torture under the regular budget would be included in the proposed programme budget for the biennium 1994-1995.

II. IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

A. Requests contained in draft resolution A/C.3/47/L.43

16. By operative paragraphs 10, 11 and 12 of draft resolution A/C.3/47/L.43 the General Assembly would:

(a) Approve the recommendation contained in the resolution adopted by consensus by the meeting of the States parties to the Convention on the Rights of the Child on 11 November 1992, in which the States parties reaffirmed the recommendations made by the Committee on the Rights of the Child regarding the organization of the future work of the Committee on the basis of two sessions per year, each of up to three weeks' duration, as may be decided by the Committee in the light of its anticipated workload, and the establishment of a pre-sessional working group that would meet for one week approximately two months in advance of each session for a preliminary review of reports from States parties;

(b) Authorize the Secretary-General to implement this recommendation;

(c) Request the Secretary-General to ensure the provision of appropriate staff and facilities, within the overall existing budget framework, for the effective performance of the functions of the Committee on the Rights of the Child.

B. Relationship of requests to the approved programme of work

17. The requests contained in operative paragraphs 10, 11 and 12 of draft resolution A/C.3/47/L.43 relate to subprogramme 1, Implementation of international instruments and procedures, of programme 35, Promotion and protection of human rights, of the medium-term plan for the period 1992-1997 3/ and to activities programmed under subprogramme 1 of section 28, Human rights, of the programme budget for the biennium 1992-1993. 4/

C. Additional requirements at full cost

18. With regard to operative paragraph 10 of the draft resolution on the organization of the future work of the Committee, it should be recalled that, under the terms of the Convention on the Rights of the Child, adopted by the

General Assembly in its resolution 44/25 of 20 November 1989, the Committee on the Rights of the Child meets annually for a period of three weeks, and that resources for one meeting in 1992 and one in 1993 have been provided in the programme budget for the biennium 1992-1993. However, the two pre-sessional working groups and the additional session of the Committee have not been programmed in the 1992-1993 programme budget. They would thus entail additional requirements, as summarized below:

		$ (at 1993 rates)
(a)	Travel and subsistence costs	
(i)	10 members of the Committee for a second session of up to three weeks	75 000
(ii)	5 members participating in the two pre-sessional working groups ($17,900 each)	35 800
	Total (a)	110 800
(b)	Conference-servicing costs	
(i)	Second session of three weeks in 1993	892 900
	(Interpretation, 30 meetings: A,C,E,F,R,S)	
	(Pre-session documentation: 200 pages: A,C,E,F,R,S)	
	(In-session documentation: 20 pages: A,C,E,F,R,S)	
	(Post-session documentation: 20 pages: A,C,E,F,R,S)	
	(Summary records: 30 meetings: A,C,E,F,R,S)	
(ii)	Two pre-sessional working groups in 1993	114 000
	(Interpretation, 10 meetings each: A,C,E,F,R,S)	
	Total (b)	1 006 900

D. Potential for absorption

Travel and subsistence costs

19. It should be recalled that, in the expectation that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families would enter into force in 1993, the General Assembly approved, under section 28 of the programme budget for the biennium 1992-1993,

an amount of $66,000 for travel and related costs for the initial 10 members of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. However, owing to the lower than anticipated number of ratifications, the Convention is not expected to enter into force in 1993, and therefore the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families will not be meeting in that year. It is therefore proposed to redeploy this amount in order partially to finance the proposed additional meetings of the two pre-sessional working groups and of the Committee on the Rights of the Child. Since this redeployment would still leave a shortfall of $44,800 ($110,000 less $66,000), it is proposed to provide for this shortfall in the context of the revised estimates under section 28, Human rights, which will be submitted to the General Assembly during the course of the current session.

20. In connection with operative paragraph 12 of the draft resolution, in which the General Assembly would request the Secretary-General to ensure the provision of appropriate staff and facilities, within the overall existing budget framework, for the effective performance of the functions of the Committee on the Rights of the Child, no additional staff resources are envisaged beyond what was originally approved by the General Assembly, that is, one P-4, one P-2 and one General Service post, by its resolution 45/248 B V of 21 December 1990.

Conference-servicing costs

21. The estimates of conference-servicing costs of $1,006,900 for 1993 are based on the theoretical assumption that no part of the conference-servicing requirements would be met from within the permanent conference-servicing capacity under section 41, Administration and management, of the programme budget, and that additional resources would be required for temporary assistance for meetings. However, as indicated in the programme budget, the 1992-1993 level of resources for temporary assistance for meetings was estimated on the basis of previous experience to accommodate not only meetings known at the time of budget preparation but also for meetings that would be authorized subsequently, provided that the number and distribution of meetings and conferences in the biennium 1992-1993 was consistent with the pattern of meetings in past years. On that basis, it is estimated that no additional resources would be required under the new section 41, Administration and management, of the programme budget for the biennium 1992-1993.

E. Summary of additional requirements

22. Accordingly, should the General Assembly adopt draft resolution A/C.3/47/L.43, it is estimated that an additional appropriation amounting to $44,800 would be required.

F. Contingency Fund

23. It will be recalled that, under the procedure established by the General Assembly in its resolution 41/213 of 19 December 1986, a contingency fund is established each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the proposed programme budget. Under the same procedure, if additional expenditures are proposed that exceed resources available from the contingency fund, these activities can be implemented only through redeployment of resources available from low-priority areas or modifications of existing activities. Otherwise, such additional activities will have to be deferred until a later biennium. A consolidated statement of all programme budget implications and revised estimates will be submitted to the General Assembly towards the end of the current session.

24. No activity has been identified for termination, deferral, curtailment or modification under section 28 of the programme budget for the biennium 1992-1993. Should it not prove possible to meet the costs required from the contingency fund, the implementation of draft resolution A/C.3/47/L.43 may have to be postponed, as provided for in the guidelines for the use of the contingency fund adopted by the General Assembly in its resolution 42/211 of 21 December 1987.

III. CONCLUSION

25. Should the General Assembly adopt draft resolution A/C.3/47/L.42 no additional appropriation would be required at this stage. Should the General Assembly adopt draft resolution A/C.3/47/L.43 an additional appropriation of $44,800 would be required under section 28, Human rights, of the programme budget for the biennium 1992-1993.

Notes

1/ General Assembly resolution 2106 A (XX), annex.

2/ General Assembly resolution 39/46, annex.

3/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 6 (A/45/6/Rev.1), vol. II, as amended by A/47/6.

4/ Ibid., Forty-sixth Session, Supplement No. 6 (A/46/6/Rev.1), vol. II.

5/ A/47/518.

6/ Ibid., paras. 5 and 7.

7/ A/C.5/47/45.